**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**Criminal Misc 18915-M of 2007**

Date of decision: 28.4.2007

Tejinder Singh and anr …Petitioners

Versus

State of Punjab …Respondent

Present: Mr PBS Goraya, Advocate, for the applicant-appellant.
Mr IPS Sidhu, Sr DAG Punjab.

**S.S. SARON, J.**

The petitioners are facing trial for the offences under Sections 379/411/467/468/471, IPC. By way of the present petition, they seek regular bail pending trial. Earlier, they were admitted to bail. However, on 28.10.2004, an application seeking exemption for personal appearance was filed. The said application was declined and their bail was cancelled. Thereafter, they remained absent from 9.12.2004 to 6.6.2005. They were arrested on 7.8.2005 in some other case at Panchkula and are stated to have remained in custody, as per jail custody certificate dated 16.9.2006 (Annexure P2) in respect of petitioner-1. They were produced before the trial Court in the present case at Nakodar on production warrants on 25.9.2006. It is submitted that the absence of the petitioners on 28.10.2004 was not intentional. In fact, it was stated in the exemption application that they were under the impression that it was a Court holiday as the High Court was closed due to Parkash Utsav of Lord Balmiki. Therefore, under this impression, they had gone to Delhi for some domestic work and under the circumstances, they were absent from the Court.

It is submitted that even the order declaring them Proclaimed Offenders was wrong as the petitioners were in custody in Ambala.

After giving my thoughtful consideration to the matter, it is appropriate to note that the petitioners were produced before the trial Court in pursuance of production warrants on 25.9.2006. The reasons of their absence on 28.10.2004 appears to be valid. Their subsequent absence, therefore, is due to the reason that they were arrested in another case at Panchkula.

In the circumstances, the criminal misc petition is allowed and it is ordered that during the pendency of the trial, the petitioners shall be admitted to bail on their furnishing personal bond and surety in the like amount each, to the satisfaction of the trial Court.

28.4.2007. ( S.S.SARON )
ASR JUDGE